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12 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
13 **SAN JOSE DIVISION**

14 MAXIMILIAN KLEIN and SARAH
GRABERT, individually and on behalf of all
15 others similarly situated,

16 *Plaintiffs,*

17 vs.

18 FACEBOOK, INC., a Delaware corporation
19 headquartered in California,

20 *Defendant.*

Case No. 5:20-cv-08570-LHK

**DECLARATION OF BRANTLEY I.
PEPPERMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ADMINISTRATIVE RELIEF TO
CONSIDER WHETHER CONSUMER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL LOCAL RULE 3-
12**

1 I, Brantley I. Pepperman, declare:

2 1. I am an associate at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, co-
3 counsel for Plaintiffs Maximilian Klein and Sarah Grabert (“the *Klein* Plaintiffs”) in the case
4 captioned *Klein et al. v. Facebook, Inc.*, Case No. 5:20-cv-08570-LHK. I make this declaration of
5 my own personal, firsthand knowledge, and if called and sworn as a witness, I could and would
6 competently testify as follows.

7 2. The *Klein* Plaintiffs filed this action against defendant Facebook, Inc. (“Facebook”) on December 3, 2020. A true and correct copy of the *Klein* Plaintiffs’ complaint is attached hereto
8 as **Exhibit 1**.

10 3. Rachel Banks Kupcho filed the case captioned *Kupcho v. Facebook, Inc.*, Case No. 5:20-cv-08815 on December 11, 2020. A true and correct copy of the *Kupcho* complaint is
11 attached hereto as **Exhibit 2**.

13 4. Deborah Dames and Timothy Mathews filed the case captioned *Dames et al. v. Facebook, Inc.*, Case No. 5:20-cv-08817 on December 11, 2020. A true and correct copy of the
14 civil cover sheet filed in the *Dames* case, listing *Klein* as a related action, is attached hereto as
15 **Exhibit 3**. A true and correct copy of the *Dames* complaint is attached hereto as **Exhibit 4**.

17 5. Charles Steinberg filed the case captioned *Steinberg v. Facebook, Inc.*, Case No. 3:20-cv-09130 on December 17, 2020. A true and correct copy of the civil cover sheet filed in the
18 *Steinberg* case, listing *Klein* as a related action, is attached hereto as **Exhibit 5**. A true and correct
19 copy of the *Steinberg* complaint is attached hereto as **Exhibit 6**.

21 6. On December 30, 2020, I emailed counsel for the *Steinberg* plaintiff and asked
22 whether they would stipulate to the *Klein* Plaintiffs’ motion. The next day, counsel for the
23 *Steinberg* plaintiff responded, indicating that they agreed to stipulate to the *Klein* Plaintiffs’
24 motion. A true and correct copy of the exchange is attached hereto as **Exhibit 7**.

25 7. On December 30, 2020, I emailed counsel for Facebook and asked whether they
26 would stipulate—separate and aside from the question of whether *Reveal Chat* is a lower-number
27 related case than *Klein*—that *Kupcho*, *Dames*, and *Steinberg* are each related to *Klein*. Later that
28 evening, counsel for Facebook indicated that they would not so stipulate without first seeing a

1 draft of the *Klein* Plaintiffs' motion.¹ On January 4, 2021, I sent Facebook's counsel a draft of the
 2 *Klein* Plaintiffs' motion. Later that day, counsel for Facebook responded, indicating that
 3 Facebook opposed the *Klein* Plaintiffs' motion. A true and correct copy of the exchange is
 4 attached hereto as **Exhibit 8**.

5 8. On December 30, 2020, I emailed counsel for the *Kupcho* plaintiff and asked
 6 whether they would stipulate that *Kupcho*, *Dames*, and *Steinberg* are each related to *Klein*. On
 7 January 4, 2021, counsel for the *Kupcho* plaintiff responded, indicating that they would not take a
 8 position on the *Klein* Plaintiffs' motion to relate while Facebook's motions to relate are pending
 9 before Judge Freeman in *Reveal Chat*. A true and correct copy of the exchange is attached hereto
 10 as **Exhibit 9**.

11 9. On December 30, 2020, I emailed counsel for the *Dames* plaintiffs and asked
 12 whether they would stipulate to the *Klein* Plaintiffs' motion. On January 4, 2021, counsel for the
 13 *Dames* plaintiffs responded, indicating that they agreed to stipulate that *Dames* is related to *Klein*.
 14 A true and correct copy of the exchange is attached hereto as **Exhibit 10**.

15
 16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on this 4th day of January 2021 in Los Angeles, California.

18
 19 By /s/ Brantley I. Pepperman

20 Brantley I. Pepperman
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26 ¹ The next day, counsel for Facebook filed, in *Reveal Chat*, a motion to relate *Steinberg* to
 27 *Reveal Chat*, which the *Steinberg* plaintiff opposes.
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